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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MICHAEL ANTHONY NELSON,)	
)	
Plaintiff,)	
)	
v.)	No. 08 C 4285
)	
HARRIS TRUST AND SAVINGS)	
BANK, N.A., et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

Michael Anthony Nelson ("Nelson") has just submitted a self-prepared Complaint against Harris Trust and Savings Bank, N.A. ("Harris Bank") and a number of its personnel. According to Nelson, Harris Bank and its people engaged in fraudulent misrepresentations and omissions in providing the United States with information to facilitate Nelson's federal criminal prosecution before this Court's colleague Honorable David Coar. This Court need not (indeed, it must not) address the substantive viability or nonviability of Nelson's claim, because federal subject matter jurisdiction is plainly lacking here.

But before this memorandum order addresses that subject, it must turn to Nelson's accompanying request for in forma pauperis treatment under 28 U.S.C. §1915 ("Section 1915"), as to which he has complied with Section 1915(a)(2) by furnishing a printout of the transactions in his trust fund account at the Jerome Combs Detention Center in Kankakee, Illinois ("Combs Center," where Nelson is being held in custody) for the six-month period from

January 15, 2008 through July 14, 2008. That printout reflects that the average monthly deposits to Nelson's account during that period (see Section 1915(b)(1)(A)) amounted to \$124.84, so that 20% of that figure (id.) comes to \$24.83.

Accordingly Nelson is assessed an initial payment of \$24.83 on account of the \$350 filing fee, and the Combs Center trust fund officer is ordered to collect that amount from Nelson's trust fund account there and to pay it directly to the Clerk of this District Court ("Clerk"):

Office of the Clerk
United States District Court
219 South Dearborn Street
Chicago IL 60604


Attention: Fiscal Department

After such payment the trust fund officer at Combs Center (or at any other correctional facility where Nelson may hereafter be confined) is authorized to collect monthly payments from his trust fund account in an amount equal to 20% of the preceding month's income credited to the account.

Monthly payments so collected from the trust fund account shall be forwarded to the Clerk each time the amount in the account exceeds \$10 until the full \$350 filing fee is paid. Both the initial payment and all future payments shall clearly identify Nelson's name and the 08 C 4285 case number assigned to this action. To implement these requirements, the Clerk shall send a copy of this order to the Combs Center trust fund officer.

This opinion now turns to Nelson's Complaint, as to which the discussion can be brief indeed. Because Nelson has not stated a federal-question claim, his only potential source of entry to this federal courthouse would be via its diversity-of-citizenship jurisdiction. And in that respect it is plain that parties on both sides of the "v." sign share Illinois citizenship, so that such jurisdiction is absent.

Accordingly this Court dismisses both Nelson's Complaint and this action for lack of subject matter jurisdiction. That dismissal is without prejudice to Nelson's ability to assert his claim or claims in a state court of competent jurisdiction. That does not, however, excuse Nelson's earlier-stated obligation to pay the \$350 filing fee.



Milton I. Shadur
Senior United States District Judge

Date: July 31, 2008